



## **THE NORTH CAROLINA DEPARTMENT OF CORRECTION OFFICE OF VICTIM SERVICES**

The NC Department of Correction's Office of Victim Services (OVS) was "born" in 1998 to provide services to victims of crime and their families whose offenders are serving time in prison or being supervised on probation, parole or post-release supervision in the community. OVS serves as a central location for victims and their families to call for information regarding offender status, safety plans, referrals to appropriate agencies, or to receive contact information for their local Division of Community Corrections Victim Advocate Notification Coordinator, the Division of Prisons Victim Information Coordinator or the Parole Commission for specifics concerning the status of the offender. Among other responsibilities, staff members work closely with the Department's divisions, the Division of Prisons (DOP) and the Division of Community Corrections (DCC), as it relates to notification to meet and, in many instances, exceed the legal requirements set by the 1999 Crime Victims' Rights Act. Staff members also dedicate time to researching "best practice" victim service programs in corrections to make recommendations and assist the divisions in the development of new victim services programs.

Because it is common for victims and their families to have questions not only about their rights but also the corrections phase of the post-sentencing process, OVS staff members develop educational materials for victims and their families that are easy to understand. OVS is also responsible for providing trainings and developing informational materials for DOC staff to keep them abreast of victims' rights and the services available through the Department. Staff members are also available to provide training on victim-related issues/topics to criminal justice professionals, college classes and citizens' groups upon request.

Should you have questions about victims' rights in the correctional phase of the post-sentencing process, corrections in North Carolina, or need assistance with other related questions and/or concerns, please contact the Office of Victim Services at either (919) 716-3681 or 1-866-719-0108 (toll-free). Staff members are generally available Monday through Friday, from 9 a.m. until 5 p.m. You may also choose to reach OVS by e-mail at [victims@doc.state.nc.us](mailto:victims@doc.state.nc.us) or by visiting our website at: [www.doc.state.nc.us/victimservices](http://www.doc.state.nc.us/victimservices).

## **AN INTRODUCTION TO THE NC DIVISION OF PRISONS (DOP)**

The NC Division of Prisons is a division of the Department of Correction. As an agency of the state, it is responsible for the housing, treatment and well being of those convicted by the courts of North Carolina and sentenced to serve active time in prison. DOP initially classifies and houses inmates by gender, type of conviction (felony or misdemeanor), and type of custody (close, medium or minimum).

### **Assigning Inmates to Prison**

Prison classification is a method of assessing inmate risks that balances security requirements with program needs. Newly admitted inmates are transported from county jails to one of 8 prison receiving centers where the risk assessment process begins. There are two reception centers for females, two for male youth, and six for adult males. Upon admission, processing and evaluation of inmates begins. They are put through a series of evaluations, including medical and mental health screenings. Prison classification specialists develop an individual profile of each inmate that includes the offender's crime, social background, education, job skills and work history, health, and criminal record, including prior prison sentences. Based on this information, the inmate is assigned to the most appropriate custody classification and prison.

From this initial classification, inmate behavior and continuing risk assessments by prison staff will determine the inmate's progression through the various custody levels to minimum custody and eventual release. Prison managers assign inmates to work, rehabilitative self-improvement programs, and treatment. As inmates serve their sentences, the inmates who comply with prison rules, do assigned work, and participate in corrective programs, may progress toward minimum custody. Inmates who violate prison rules are punished and may be reclassified to a more restrictive custody classification and a more secure prison. Inmates are then required to demonstrate responsible and improved behavior over time to progress from that status to less restrictive custody classifications and prisons.

### **Inmate Custody Levels**

Inmates may be classified and assigned to the following custodial levels: close, medium, minimum I, minimum II, and minimum III. The classification levels are in descending order of perceived public safety risk presented by the inmate. Inmates in close custody present the highest risk while inmates in minimum III generally present the least risk. Within this mix of custodial assignments, inmates also may be subject to various control statuses. The control statuses include maximum, death row, intensive, safekeeper (inmates who have not yet been sentenced but need to be housed outside of their county jail generally due to safety or security concerns), disciplinary, administrative, and protective custody. Each of these control statuses further restricts inmate freedoms and privileges. Assignment and removal of inmates from these statuses is generally at the discretion of higher level classification authorities in DOP. The imposition of these additional custody control measures are generally for the purpose of maintaining order in the prison, protecting staff safety, or providing for inmate safety.

## Prison Security Levels

Prisons are classified and designated by security level. The security levels used by the Division of Prisons are close, medium, and minimum. In certain circumstances, however, the Director of Prisons may designate specific cell areas within close security institutions as maximum security. The design and unique features of the prison, the level of staffing, and the operating procedures determine security levels. Maximum security, located inside close security prison units, is the most restrictive level of confinement and minimum security is the least restrictive. The prison security level is an indicator of the extent to which an offender who is assigned to that facility is separated from the civilian community.

### *Close security*

Close security prisons typically are comprised of single cells and divided into cellblocks, which may be in one building or multiple buildings. Cell doors generally are remotely controlled from a secure control station. Each cell is equipped with its own combination plumbing fixture, which includes a sink and toilet.

The perimeter barrier is designed with a double fence with armed watch towers or armed roving patrols. Inmate movement is restricted and supervised by correctional staff. Inmates are allowed out of their cells to work or attend corrective programs inside the facility.

There is a special type of security, known as *maximum security*, available within certain close security units. Maximum security units, designated by the Director of Prisons, are comprised of cells with sliding cell doors that are remotely operated from a secure control station. These units are utilized to confine the most dangerous inmates who are a severe threat to public safety, correctional staff, and other inmates. Inmates confined in a maximum security unit typically are in their cells 23 hours a day. During the other hour they may be allowed to shower and exercise in the cellblock or an exterior cage. All inmate movement is strictly controlled with the use of physical restraints and correctional officer escort.

### *Medium security*

Medium security prisons typically are comprised of secure dormitories that provide housing for up to fifty inmates each. Each dormitory contains a group toilet and shower area as well as sinks. Inmates sleep in a military style double bunk and have an adjacent metal locker for storage of uniforms, undergarments, shoes, etc. Each dormitory is locked at night with a correctional officer providing direct supervision of the inmates and sleeping area. The prison usually has a double fence perimeter with armed watch towers or armed roving patrols. There is less supervision and control over the internal movement of inmates than in a close security prison.

Some medium security prisons may be designed with dry cells as the method of inmate housing. Dry cells contain no toilet fixture. Most inmate work and self improvement programs are within the prison, although selected medium custody inmates are worked outside of the prison under armed supervision of trained correctional officers. These inmate work assignments typically support prison farm operations or highway maintenance for the Department of Transportation. Typically, each medium security prison has a single cell unit for the punishment of inmates who violate prison rules.

### ***Minimum security***

Minimum security prisons are comprised of non-secure dormitories that are routinely patrolled by correctional officers. Like the medium security dormitory, a minimum security dormitory has its own group toilet and shower area adjacent to the sleeping quarters that contain double bunks and lockers. The prison generally has a single perimeter fence that is inspected on a regular basis, but has no armed watch towers or roving patrols. There is less supervision and control over inmates in the dormitories and less supervision of inmate movement within the prison than at a medium security facility. Inmates assigned to minimum security prisons generally pose the least risk to public safety.

Minimum III custody inmates at minimum security prisons usually participate in community based work assignments such as the Governor's Community Work Program, road maintenance with Department of Transportation employee supervision or work release with civilian employers. Also, inmates may participate in pre-release transition programs with community volunteers and family sponsors. The proper security designation of facilities combined with appropriate offender classification and assignment provide the foundation for safe and secure prison management and operational efficiency.

### **Victim Services Within The Division of Prisons**

Each prison unit has at least one individual who has been identified as a Victim Information Coordinator (VIC). It is the VIC's responsibility to provide public information about offenders as well as general information about the facility to victims and interested citizens. The VIC acts as a liaison between DOP, OVS and other governmental agencies. Each Victim Information Coordinator has received specialized training to perform this important function for his/her prison unit. All victims' information is strictly confidential.

#### **Notifications for Victims/Survivors Whose Offenders are in The Division of Prisons Custody**

Effective July 1, 1999, North Carolina's Crime Victims' Rights Act (N.C.G.S. §15A-836) requires DOP to provide written notification about certain events during the offender's incarceration to victims and survivors who have requested notification. Individuals with safety concerns or a vested interest in the case (ex. Division of Social Services) may also register.

DOP is required to provide registered victims with the following notification:

- (1) The projected date by which the defendant can be released from custody. The calculation of the release date shall be as exact as possible, including earned time and disciplinary credits if the sentence of imprisonment exceeds 90 days.
- (2) An inmate's (initial) assignment to a minimum custody unit and the address of the unit. This notification shall include notice that the inmate's minimum custody status may lead to the inmate's participation in one or more community-based programs such as work release or supervised leaves in the community.
- (3) The victim's right to submit any concerns to the agency with custody and the procedure for submitting such concerns.

- (4) The defendant's escape from custody, within 72 hours, except that if a victim has notified the agency in writing that the defendant has issued a specific threat against the victim, the agency shall notify the victim as soon as possible and within 24 hours at the latest.
- (5) The defendant's capture, within 24 hours.
- (6) The date the defendant is scheduled to be released from the facility. Whenever practical, notice shall be given 60 days before release. In no event shall notice be given less than seven days before release.
- The defendant's death.

All notifications are generated by updates made to offenders' records in the OPUS (Offender Population Unified System) computer system. Letters are printed by the Management Information System office and mailed by NC DOC Combined Records. The Office of Victim Services facilitates the notification program, and NC DOC Combined Records enters the notification information on behalf of DOP.

Although the 1999 NC Crime Victims' Rights Act defines who is to receive notification (N.C.G.S. §15A-830), the Department of Correction voluntarily exceeded the legislature's mandate by providing the notification described above for all victims regardless of the crime or when the crime occurred. It is important to note that it is the responsibility of those who have requested notification to notify OVS of any changes in address or telephone number. Without this information, the Department of Correction is unable to provide notification to those who have requested it. Please send correspondence to:

NC Department of Correction  
Office of Victim Services  
2020 Yonkers Road, 4223 MSC  
Raleigh, NC 27699-4223  
1-866-719-0108 (toll-free)

### **Input from Victims**

On October 1, 2001, Governor Mike Easley signed an amendment to the Crime Victims' Rights Act of 1999. Among the improvements made to the original law were two important changes for victims/survivors whose offenders are serving an active prison sentence in the Division of Prisons. The amendment now requires the Department of Correction to prohibit those inmates incarcerated for a crime covered under the Crime Victims' Rights Act from contacting the victim or a family member of the victim upon their request (N.C.G.S. §148-10.2). This includes direct as well as indirect contact. The amendment specifically prohibits death row inmates from contacting the surviving family members of the victims without the written consent of the family members being contacted. Contact includes arranging for a third party to forward communications from the inmate to the surviving family members of the victim. Furthermore, the amendment requires the Department to develop an appropriate punishment for any inmate who chooses to violate a "no contact" order issued by prison staff.

Another revision to the 1999 NC Crime Victims' Rights Act concerns the Department's responsibility to consider the safety concerns of a victim or a member of the victim's immediate family when placing an inmate in the same county where the victim/family member(s) lives or works (N.C.G.S. § 148-5.1). If an alternative assignment is not a viable

option and the offender is placed in the county in which the victim has requested a “county block”, the Department shall inform the victim/family member in writing.

It is important to note that this part of the law only applies to victims/survivors who have expressed a **written** concern for their safety and have experienced a crime covered by the 1999 NC Crime Victims’ Rights Act.

These changes strengthen a victim’s/survivor’s ability to make his/her feelings known while it provides the Division of Prisons with important information from the victim’s/survivor’s perspective.

## **AN INTRODUCTION TO THE NC DIVISION OF COMMUNITY CORRECTIONS (DCC)**

The Division of Community Corrections works to apply control over offenders while at the same time coordinate community resources to enable those under the Division's supervision the opportunity to reform, support their families, pay restitution or reparation to their victims and become productive, law abiding citizens.

The court may place a person on supervised or unsupervised probation. A person on unsupervised probation is subject to all incidents of probation except supervision by, or assignment to, a probation officer. DCC has **no** authority over offenders on unsupervised probation. If offenders do not comply with the terms of the unsupervised sentence, the court may order them to complete a supervised probation sentence.

### **Ladder of Punishments**

The foundation of the division's community corrections' strategy is a continuum of control over the offender.

The sanctions provide supervision and control over the offender and also require needed educational, vocational and alcohol/chemical dependency programming for the offender at a cost considerably below the cost of imprisonment.

Below you can read more about the various methods of supervision used by DCC.

### **Intermediate Punishment**

These punishments or sanctions are more restrictive than probation and less severe than imprisonment. These punishments may include:

#### ***Split Sentence (special probation)***

A court-imposed intermediate sanction for probationers that requires the offender to submit to a period of imprisonment, not to exceed six months, followed by a term of probation under an intermediate level of probation supervision.

#### ***Residential Community Corrections***

Offenders are required, as a condition of probation, to live in a specified facility for a set period of time. Offenders may be ordered to participate in activities such substance abuse treatment, social skills training, education, employment, and employment training.

### ***Electronic House Arrest (EHA)***

The offender must wear a transmitting device, and a monitoring device must be placed in the offender's residence for the duration of the sanction.

The offender is confined to the residence at all times, except for occasions that the court, probation officer, or Post-Release Supervision and Parole Commission may authorize.

### ***Day Reporting Centers***

Offenders are required to report to a specified facility on a daily basis for a specified length of time. Offenders may be ordered to participate in activities such as alcohol or drug dependency treatment, anger management, cognitive thinking, psychological counseling, social skills training, education, or employment training. Some offenders are required to adhere to a daily program schedule and curfew.

### ***Intensive Supervision***

This type of supervision is reserved for higher risk offenders. These offenders are either initially sentenced by the court, released on post-release supervision or paroled by the Post-Release Supervision and Parole Commission, or placed as a result of a probation violation. Through enhanced interaction, the offender is provided with a balance of control and assistance by addressing those factors that contribute to the likelihood that an offender will go to prison. After successful completion, the offender will be moved to intermediate level II supervision.

### ***Community Punishment***

This type of supervision is more commonly known as a more traditional form of supervision where offenders are monitored by their probation officer (primarily through visits by the offender to the probation office), must adhere to any court-ordered conditions and meet with their probation officer on an established schedule.

### ***Community Service Work Program***

As a condition of supervision offenders may be ordered to complete a certain number of community service hours and pay a community service fee of \$200.00. The Community Service Work Program was formerly managed by the Department of Crime Control and Public Safety, but is now under the supervision of DCC.

## **Victim Services Within the Division of Community Corrections**

There are four Victim Advocate Coordinators who provide advocacy for victims of domestic violence and sex offenses as it relates to offenders who are supervised by DCC. The Victim Advocate Coordinator can offer comprehensive answers to the victims' questions as it relates to the supervision of the offender. The Coordinators also act as liaisons between DCC (including the probation officer), District Attorneys, Clerks of Court and the Office of Victim Services. Victims who have specific questions regarding the supervision of an offender are encouraged to contact the advocate in their region. Each Victim Advocate Coordinator has received specialized training to perform this important function. You may contact the Office of Victim Services to obtain VAC contact information for your area. All victims' information is strictly confidential.

### **Notifications for Victims/Survivors Whose Offenders are in The Division of Community Corrections Custody**

Effective July 1, 1999, North Carolina Crime Victims' Rights Act (N.C.G.S. §15A-837) requires DCC to provide written notification about certain events during the offenders' supervision by DCC to victims and survivors who have requested notification. Initially manual notifications were sent to victims by Victim Advocate Notification Coordinators. Effective April 1, 2004, DCC centralized the notification process and began notifying victims by automation from the central office in Raleigh, N.C. Currently, the Victim Advocate Notification Coordinator and two processing assistants work from the central office to ensure accuracy of the letters and to assist with victim calls as it relates to the notification process. Staff is also available to answer questions concerning restitution as it relates to offenders who are under the supervision of DCC.

The primary function of the Victim Notification Program is to ensure that victim notifications are correct according to statute. Notification letters are generated by updates made to offenders' records in the OPUS (Offender Population Unified System) computer system. Notifications are printed and mailed by the data processing assistants.

DCC is required to provide registered victims with the following notifications:

- (1) The defendant's regular conditions of probation or post-release supervision, special or added conditions, supervision requirements, and any subsequent changes.
- (2) The date and location of any hearing to determine whether the defendant's supervision should be revoked, continued, modified, or terminated.
- (3) The final disposition of any hearing referred to in subdivision (2) of this section.
- (4) Any restitution modification.
- (5) The defendant's movement into or out of an intermediate sanction as defined in G.S. 15A-1340.11 (6).
- (6) The defendant's absconding supervision, within 72 hours.
- (7) The capture of a defendant described in subdivision (6) of this section, within 72 hours.
- (8) The date when the defendant is terminated or discharged.
- (9) The defendant's death.

Although the 1999 NC Crime Victims' Rights Act defines who is to receive notification (N.C.G.S. §15A-830), the Department of Correction voluntarily exceeded the legislature's mandate by providing the notification described above for all victims regardless of the crime or when the crime occurred. It is important to note that it is the responsibility of those who have requested notification to notify the Victim Notification Program of any changes in address or telephone number. Without this information, the Department of Correction is unable to provide notification to those who have requested it. Please send correspondence to:

NC Department of Correction  
Office of Victim Services  
2020 Yonkers Road, 4223 MSC  
Raleigh, NC 27699-4223  
1-866-719-0108 (toll-free)



## AN INTRODUCTION TO THE NC POST-RELEASE SUPERVISION AND PAROLE COMMISSION (PC)

The NC Post Release Supervision and Parole Commission is comprised of three Commissioners who are appointed by the Governor. While Commissioners serve at the pleasure of the Governor, the Governor cannot override the decision made by the Commission. The Commission is an independent agency charged with determining:

1. whether or not to release an offender sentenced under Pre Fair and Fair Sentencing,
2. the conditions of release for an offender sentenced under Pre Fair and Fair Sentencing,
3. the conditions of release for an offenders sentenced under Structured Sentencing and who is eligible for post-release supervision after serving an active prison sentence.

Commissioners are responsible for conducting individual review of the inmate's record, and making decisions based on file information, victim's/survivor's input, and the Case Analyst's recommendations. For Fair Sentencing cases, the Commissioners do not meet as a group to vote, and they do not meet with inmates during the review process. These cases are reviewed yearly after the eligibility date has been reached. With respect to offenders sentenced under Structured Sentencing and who are eligible for post-release supervision after serving an active prison sentence, the Commission maintains the authority to set the conditions for the period in which the offender is placed on post-release supervision. Unlike Fair Sentencing cases, the Commission **does not** determine the date of release for offenders sentenced under Structured Sentencing.

### The Parole Review Process Under North Carolina's Fair Sentencing Act of 1981

The parole review process in North Carolina only applies to offenders who committed their crime **before** October 1, 1994 (Chapter 15A, Article 81A of the North Carolina General Statutes—Repealed effective October 1, 1994). Each offender sentenced during this time had a case analyst assigned to him/her when he/she entered the prison system. In addition to other duties, the analyst is responsible for maintaining a file on the offender and calculating the date when the offender will become eligible for parole. When the offender reaches the date when he/she becomes eligible for parole, the Commission reviews the case. There are two parts of the Commission's review: reviews and investigations. The review stage is an initial stage during which the Parole Commission evaluates the offender's candidacy for parole. The offender may be denied at this stage. If the case warrants serious consideration for parole, it then moves to the investigation stage. If and when the case moves to the investigation stage, the Parole Commission contacts those victim(s)/survivor(s) listed for notification. The victim(s)/survivor(s) are given a specified time to respond to the offender's consideration for parole. Once the investigation is complete, the Parole Commission decides whether to grant or deny parole. Victims are notified of the Commission's decision whether it is to deny or approve parole. If the offender is denied parole, the law requires the Parole Commission to review the case at least once a year.

North Carolina has what is known as a 90-day mandatory parole law. The Fair Sentencing Act of 1981 (the law that determined the sentencing guidelines for offenders who committed their crime **before** October 1, 1994) mandates that offenders with felony convictions serving 18 months or longer must be released on parole 90 days before their sentences expire. This

parole is commonly referred to as the 90-day mandatory parole. The Commission must parole these offenders because it is required to do so by law. Although the law requires the Parole Commission to grant parole to these offenders, offenders may choose to refuse parole although few do so. There are two groups who are exceptions to the 90 day mandatory parole: offenders sentenced as Committed Youthful Offenders and offenders whose crimes occurred **before** July 1, 1981. (Chapter 15A, Article 81A of the North Carolina General Statutes—Repealed effective October 1, 1994).

### **The Parole Review Process Under North Carolina's Structured Sentencing Act of 1994**

In North Carolina, the Structured Sentencing Act of 1994 affects all felony and misdemeanor crimes (except DWI/DUI) committed on or **after** October 1, 1994 (Chapter 15A, Article 81B). Structured Sentencing changed the sentencing guidelines tremendously. Specifically, parole, as it previously existed, was eliminated under Structured Sentencing. Now, offenders with felony class B1 through E convictions (those offenses involving risk of or injury to the victim/survivor) who have been sentenced under Structured Sentencing serve their mandated time, and are then released on a type of supervision called Post-Release Supervision. Like parole, Post-Release Supervision is a period of supervision in the community but, unlike parole, follows the completion of an active prison sentence. The period of post-supervision is either six months (for crimes committed **before** December 1, 1996) or nine months (for crimes committed on or **after** December 1, 1996). However, for sex offenders who committed their offense on or **after** December 1, 1996 and were convicted of a registerable offense, the period of post-release supervision is five years.

Under Structured Sentencing, the Post-Release Supervision and Parole Commission is the agency responsible for setting conditions of release for offenders in North Carolina's prisons. Although it cannot determine the date of release for an offender sentenced under Structured Sentencing, the Commission maintains the authority to set conditions or rules for the period of an offender's post-release supervision. The possible conditions are numerous. For example, offenders may be required to submit to random drug/urine screenings, secure a job, pay restitution ordered by the court at the time of sentencing and refrain from contact with victims/survivors and their families.

It is important to know that not all offenders sentenced under Structured Sentencing are released into the community on post-release supervision. Offenders with misdemeanor and felony class F through I convictions are released from the prison system with no requirement for supervision after serving an active prison sentence.

### **Victim Services within The Post-Release Supervision and Parole Commission (PC)**

The North Carolina Post-Release Supervision and Parole Commission considers input from victims/survivors to be very important. The Office of Victim Services collaborates with the Commission in providing services to victims of crime whose offender is eligible for parole or on post-release supervision. Victims/survivors can communicate with the Commission in the following ways:

- \* Victims may express their opinions about a case in writing at any time. They may also request that certain conditions be imposed on the offender upon release. The letters are included in the inmate's file and the Commissioners take the letters into consideration during the decision-making process.

Letters are kept confidential and the offender doesn't have access to these letters.

- \* Victims whose offenders are either being considered for parole have the opportunity to appear before the Commission to present information they feel is important for the Parole Commission to hear. The meetings are held once a week, are 30 minutes each, and are limited to five persons per scheduled appointment. There are a limited number of appointments available and they are scheduled on a first-come, first-serve basis. To request a meeting, please call at least 4 months before and no earlier than a year before the release date at (919) 716-3010.